THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.20006 OF 2005

ORDER:

The petitioner is employed as Development Officer (Law) in the National Small Industries Corporation Limited, the first respondent herein. Initially, he was posted in the head office at New Delhi. On his request, he was transferred to Hyderabad in November 1998 and he is working at the branch at Hyderabad, the third respondent herein. Through proceedings, dated 24.08.2005, the respondent transferred the petitioner to its branch at Bhopal. The petitioner challenges the same.

Sri P.Kesava Rao, the learned counsel for the petitioner, submits that the children of his client are studying in various institutions at Hyderabad and if he is transferred at this stage, their education would be seriously affected. He contends that the pattern of courses in the institutions at Hyderabad, on the one hand and the one those at Bhopal on the other hand, is quite different and that it is impossible to ensure continuity of their courses, if they are shifted at this stage. Several other grounds are also urged by the learned counsel for the petitioner.

Sri E.Madan Mohan Rao, the learned standing counsel for the respondents, on the other hand, submits that the review committee of the first respondent had examined the entire situation obtaining at national level and decided to transfer as many as twelve Law Officers to different places purely on administrative grounds. He submits that the branch at Bhopal is without any Law Officer and the presence of the petitioner is inevitable at that place.

The scope for interference with an order of transfer is very limited. The respective Governments as well as Public Corporations have formulated the transfer policies. One of the important guidelines formulated in such matters is that transfer of employees must be avoided as far as possible in the middle of the academic year. The same operates with a greater vigour where the transfer is from one State to another. At the same time, if the transfer becomes inevitable, the guidelines have virtually to take a back seat.

It is true that the children of the petitioner are studying at Hyderabad and it would be difficult for them to be admitted in the institutions at Bhopal at this stage. However, the inconvenience being faced by the respondents on account of the lack of an Officer at Bhopal branch cannot be brushed aside. This Court is of the view that ends of justice would be met if the petitioner is required to report to the transferred place, but, extended the benefit of visiting Hyderabad once in a month, so that the education of the children is not disturbed.

For the foregoing reasons, the writ petition is disposed of upholding the order of transfer, but directing that the branch office at Bhopal shall grant extraordinary leave without loss of pay once in a month, in such a way that it can be prefixed or suffixed to Saturday and Sunday as desired by the petitioner and this facility shall be extended to him till the end of April 2006. There shall be no order as to costs.

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17.10.2005

kdl